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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,423	12/01/2006	Malcolm Tom McKechnie	102792-547 (11018P1 US)	8984
27380	7590	09/26/2011		
PARFOMAK, ANDREW N. NORRIS MCLAUGHLIN & MARCUS PA 875 THIRD AVE, 8TH FLOOR NEW YORK, NY 10022			EXAMINER DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1761	
			MAIL DATE	DELIVERY MODE
			09/26/2011 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/574,423

Applicant(s)

MCKECHNIE, MALCOLM TOM

Examiner

LORNA M. DOUYON

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-6,9,10,12-14,18-24 and 26-31 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-6,9,10,12-14,18-24 and 26-31 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 04 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-886)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2011 has been entered.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 29-31 have been renumbered claims 28-30, respectively.

3. Claims 1-6, 9-10, 12-14, 18-24, 26-30 are pending. Claims 7, 8, 11, 15-17 and 25 are cancelled. Claims 26-27 and renumbered claims 28-30 are newly added. Claims 1-6, 9-10, 12-14, 18, 23 and 24 are currently amended.

4. For the record, with respect to the suggestion of adding a "**Brief Description of the Drawings**" heading into the specification, Applicants decline to enter the suggested heading.

5. The objection to claim 11 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim, is rendered moot in view of Applicants' cancellation of this claim.

6. The rejection of claims 2-6, 9-14 and 23 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-6, 9-10, 12-14, 18-24, 26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdrel-Lahaxe et al. (US 2002/0032135), hereinafter "Verdrel-Lahaxe", in view of Shaw et al. (US 2002/0107156), hereinafter "Shaw" and further in view of Telesca et al. (US Patent No. 6,412,634), hereinafter "Telesca".

Verdrel-Lahaxe teaches an article comprising a water-insoluble substrate; and an exothermic composition, comprising: at least one zeolite (which reads on the heat generating agent), at least one surfactant (which reads on the cleaning agent), at least

one magnesium or calcium halide (also reads on the heat generating agent); and a physiologically acceptable anhydrous medium (see claim 25). The composition, which is homogeneous, and in the form of a translucent to opaque gel, cream, paste or powder, is impregnated on a wipe (see paragraph [0059] on page 2; which meets claims 4 and 14). The water-insoluble substrate may be a sponge or a wipe, for example a wipe from nonwoven material, with one or several (two or more) layers, the wipe being dry or humid (see paragraph [0090] on page 4) (which meets claims 5, 10, 28 and 29). The expression "exothermic composition" means a composition such that the user experiences a heating sensation when the composition is applied to the skin, and it is a composition whose temperature in the presence of water (water added during its use or the water present in the skin) may instantaneously rise by several degrees (one to twenty degrees), see paragraph [0056] on page 2 (which meets claims 2-3). The zeolites include activated zeolites (see paragraph [0065] on page 2, for example, the zeolites disclosed in U.S. Pat. No. 4,626,550, incorporated herein in its entirety by reference (see paragraph [0069] on page 3), which discloses that activated zeolites are dehydrated zeolites (see col. 5, lines 39-40 of US '550) (which meets claims 12-13), which releases sufficient heat upon hydration to produce the desired warming effect (see col. 2, lines 14-16 of US 550). The amount of zeolites generally ranges from 5% to 95% by weight (see paragraph [0073] on page 3) (which meets claim 6). The surfactant is preferably a cleansing and/or foaming surfactant which is chosen from nonionic surfactants, anionic surfactants and amphoteric surfactants, and mixtures thereof, and the amount of surfactant(s) may range from 0.5 to 20% by weight, preferably from 1% to

15% by weight of active material relative to the total weight of the composition (see paragraph [0074] on page 3). Even though Verdrel-Lahaxe does not disclose an article adapted for cleaning a surface of an inanimate object (as required in independent claims 1 and 18), or an article adapted to provide for substantially streak free cleaning of inanimate surface (as required in claim 23), it has been held that the recitation that an element is "adapted to" perform or is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. The recitation of a new intended use for an old product does not make a claim to that old product patentable, see *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997). Verdrel-Lahaxe, however, fails to specifically disclose the incorporation of a fixing agent like latex or a film-former; the loading of the cleaning agent on the substrate in amounts as those required in claims 18-22, 24; a water-tight container which optionally includes a resealable opening to accommodate the article in a dry environment as required in the present amended claim 1; a germicidal cationic surfactant as required in claim 9; and the recited process on how the heat generating agent is positioned in the cleaning article as required in claim 24.

Shaw, an analogous art, teaches that the cleansing composition and/or articles may contain a variety of other components such as conventionally used in a given product type provided that they do not unacceptably alter the benefits of the invention, for example, film formers or materials, e.g., copolymer of eicosene and vinyl pyrrolidone (see paragraph [0128] on page 8). The cleansing composition may optionally comprise binders which are useful for sealing the various layers of the articles to one another thereby maintaining the integrity of the article, and suitable binders may comprise

latexes (see paragraph [0135] on page 9). Shaw also teaches the equivalency of anionic, nonionic or amphoteric surfactants with cationic surfactants (see paragraph [0041] on page 2). Examples of cationic surfactants are quaternary amines (see paragraph [0090] on page 6), which are also germicidal. Shaw also teaches that when a similar cleansing composition is disposed on the water-insoluble substrate, the articles comprise from about 0.5% to about 3,000% based on the weight of the untreated water insoluble substrate, of the surfactant composition. Preferably, the article comprises at least about 1 gram, by weight of the treated water insoluble substrate, of a surfactant (see paragraph [0116] on page 7).

Telesca, an analogous art, teaches a towelette dispenser which can maintain a stack of towelettes hermetically sealed from the atmosphere (hence, water-tight) during extended periods of time, especially after multiple openings for dispensing of individual tissues (see col. 2, lines 12-16; col. 1, lines 13-26). The towelette dispenser also includes a reusable outer container which after having dispensed most of a stack of towelettes is substantially as efficiently resealable as in its initially fully towelette filled position (see col. 2, lines 17-21; Figure 1). The dispenser provides for an improved, more efficient mechanism for ensuring good seals to prevent moisture or solvents from transferring in either direction through the seals (see col. 2, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated film formers, and/or binders like latexes into the composition of Verdrel-Lahaxe because this would be useful for sealing the various

layers of the articles to one another thereby maintaining the integrity of the article as taught by Shaw.

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed or loaded the cleansing composition of Verdrel-Lahaxe into the wipe in its optimum proportions because it is known from Shaw to load a similar article in the range from about 0.5% to about 3,000% based on the weight of the untreated water insoluble substrate, of the surfactant composition, or at least about 1 gram, by weight of the treated water insoluble substrate, of a surfactant, hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch*, 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456,105 USPQ 233,235 (CCPA 1955).

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have packaged the wipes of Verdrel-Lahaxe and Shaw into the dispenser of Telesca because such dispenser will provide for an improved, more

efficient mechanism for ensuring good seals to prevent moisture or solvents from transferring in either direction through the seals.

With respect to the germicidal cationic surfactant, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the anionic, nonionic or amphoteric surfactants of Verdrel-Lahaxe with a cationic surfactant (which is also germicidal) because the substitution of art recognized equivalents as shown by Shaw is within the level of ordinary skill in the art.

With respect to the recited process limitations in claim 24, please note that claim 24 is a product-by process claim, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

9. Claims 1-6, 9-10, 14, 18-24, 26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Telesca.

Shaw teaches an article for personal cleansing which comprises a water insoluble substrate with a cleansing composition (see paragraph [0099] on page 7), wherein the cleansing composition in paste form comprises one or more surfactants selected from the group consisting of anionic surfactants, amphoteric surfactants,

nonionic surfactants, cationic surfactants, and mixtures thereof (see paragraph [0009] on page 1). Examples of cationic surfactants are quaternary amines (see paragraph [0090] on page 6), which are also germicidal (meets claim 9). The cleaning composition may contain a variety of other components such as are conventionally used in a given product type provided that they do not unacceptably alter the benefits of the invention (see paragraph [0127] on page 8), examples include additional antimicrobial agents, e.g., quaternium-15 (which also reads on claim 9) and particular zeolites (which read on the heat generating agent of claim 1), film formers or materials, e.g., copolymer of eicosene and vinyl pyrrolidone (which read on the "fixing agent" of claim 1) and such materials can be incorporated into the cleansing composition from about 0.01% to about 40% by weight (see paragraph [0128] on page 8; which meets claim 6). Additionally, these components can be applied to the substrate sheet as a deposit separate from that of the cleansing composition (see paragraph [0128] on page 8) (which meets claims 4 and 14). The cleansing composition may optionally comprise binders which are useful for sealing the various layers of the articles to one another thereby maintaining the integrity of the article, and suitable binders may comprise latexes (see paragraph [0135] on page 9). The water insoluble substrate comprises at least one layer, a substrate sheet to which the paste form cleansing composition is applied (see paragraph [0099] on page 7). Suitable materials for use as sheets of the water insoluble substrate include nonwovens, wovens or sponges (see paragraph [0121] on page 8 (which meets claims 5 and 10). Shaw also teaches that when a similar cleansing composition is disposed on the water-insoluble substrate, the articles comprise from about 0.5% to about 3,000%

based on the weight of the untreated water insoluble substrate, of the surfactant composition. Preferably, the article comprises at least about 1 gram, by weight of the treated water insoluble substrate, of a surfactant (see paragraph [0116] on page 7). The articles are intended to be wetted with water prior to use, and the article is wetted by immersion in water or by placing it under a stream of water (see paragraph [0163] on page 10), which meet claims 2-3). Shaw, however, fails to specifically disclose a water-tight container which optionally includes a resealable opening to accommodate the article in a dry environment as required in the present amended claim 1; the loading of the cleaning agent on the substrate in amounts as those required in claims 18-22, 24; and the recited process on how the heat generating agent is positioned in the cleaning article as required in claim 24.

Telesca, an analogous art, teaches a towelette dispenser which can maintain a stack of towelettes hermetically sealed from the atmosphere (hence, water-tight) during extended periods of time, especially after multiple openings for dispensing of individual tissues (see col. 2, lines 12-16; col. 1, lines 13-26). The towelette dispenser also includes a reusable outer container which after having dispensed most of a stack of towelettes is substantially as efficiently resealable as in its initially fully towelette filled position (see col. 2, lines 17-21; Figure 1). The dispenser provides for an improved, more efficient mechanism for ensuring good seals to prevent moisture or solvents from transferring in either direction through the seals (see col. 2, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have packaged the wipes of Shaw into the dispenser of Telesca

because such dispenser will provide for an improved, more efficient mechanism for ensuring good seals to prevent moisture or solvents from transferring in either direction through the seals.

With respect to the loading of the cleaning agent on the substrate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the portion of the prior art's range which is within the range of applicant's claims because it has been held to be obvious to select a value in a known range by optimization for the best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 627 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578,16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454,456,105 USPQ 233,235 (CCPA 1955).

In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim*, 541 F.2d 257,191 USPQ 90 (CCPA 1976; *In re Woodruff*; 919 F.2d 1575,16USPQ2d 1934 (Fed. Cir. 1990). See MFEP 2131.03 and MPEP 2144.05I.

With respect to the recited process limitations in claim 24, please note that claim 24 is product-by process claim, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially

similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw and Telesca as applied to the above claims, and further in view of Verdrel-Lahaxe.

Shaw and Telesca teach the features as described above. Shaw and Telesca, however, fail to specifically disclose the zeolites as being dehydrated.

Verdrel-Lahaxe teaches the features as described above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the zeolite of Shaw and Telesca into dehydrated zeolites because such dehydrated zeolites will provide sufficient heat upon hydration to produce the desired warming effect as taught by Verdrel-Lahaxe.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdrel-Lahaxe in view of Shaw and further in view of Telesca, **or** Shaw in view of Telesca as applied to the above claims, and further in view of Sine et al. (US Patent No. 6,183,766), hereinafter "Sine".

Verdrel-Lahaxe, Shaw and Telesca, **or** Shaw in view of Telesca teaches the features as described above. Each of the combination of references, however, fails to disclose a film-forming agent like polyvinyl alcohol.

Sine, an analogous art, teaches the equivalency of polyvinyl alcohol and polyvinylpyrrolidone copolymer as film formers (see col. 15, lines 49-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the polyvinyl pyrrolidone copolymer of the combination of references with polyvinyl alcohol because the substitution of art recognized equivalents as shown by Sine is within the level of ordinary skill in the art. In addition, the substitution of one film former for another is likely to be obvious when it does no more than yield predictable results.

12. In the alternative, claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verdrel-Lahaxe in view of Shaw and further in view of Telesca, **or** Shaw in view of Telesca as applied to the above claims, and further in view of Groeger et al. (US Patent No. 5,486,410), hereinafter "Groeger" (already submitted in IDS dated 04/04/06).

Verdrel-Lahaxe, Shaw and Telesca, **or** Shaw in view of Telesca teaches the features as described above. Each of the combination of references, however, fails to disclose a further nonwoven microfiber web.

Groeger, an analogous art, teaches a fibrous structure which advantageously includes a composite fiber-based structure that uses macrofiber for forming interstices

of appropriate size for capture and support of functional particulate matter and spot welding of captured particulate to the particulate-immobilizing matrix (see col. 8, lines 8-14). The fibrous structure also comprises a non-woven, microfiber web which is deposited between non-woven web **38** and non-woven web **36** (see col. 10, lines 52-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a nonwoven, microfiber web into the substrates of each of the combination of references because the microfiber forms interstices of appropriate size for capture and support of functional particulate matter as taught by Groeger.

Response to Arguments

13. Applicants' arguments filed on July 24, 2011 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Verdrel-Lahaxe in view of Shaw in further view of Telesca, Applicants argue that Verdrel-Lahaxe fails to include any indication of any such "fixing agent".

The Examiner respectfully disagrees with the above argument because even though Verdrel-Lahaxe fails to disclose a fixing agent, Shaw, the secondary reference teaches the incorporation of fixing agent comprising film formers or binders, and as stated in paragraph 8 above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated film formers, and/or binders

like latexes into the composition of Verdrel-Lahaxe because this would be useful for sealing the various layers of the articles to one another thereby maintaining the integrity of the article as taught by Shaw.

With respect to the obviousness rejection based upon Shaw in view of Telesca, Applicants argue that the Shaw articles themselves are not related to articles or compositions which are 'self-heating' when contacted with water. Applicants also argue that: *"Shaw provides no specific teaching or suggestion as to any benefit why a skilled artisan would find any motivation to select a "heat generating agent" (e.g. zeolite) and concurrently also identify the need for a "fixing agent" to provide improved retention of the heat generating agent to the substrate or "hot melt" surfactant composition which is loaded onto the substrate. Shaw rather teaches an opposite technical effect as his compositions are all formed into a 'paste' which is thereafter "sandwiched" between two substrate layers, a skilled artisan reading Shaw's requirement that his surfactant system is necessarily a high melt temperature surfactant system, viz., "hot melt" would understand that any and all constituents mixed or compounded in this "paste" would owe their adhesion to the two substrate layers due to the stickiness of the selected surfactants. Any other conclusion would at best be one of pure speculation and ad worst be due to an exercise of impermissible "hindsight reconstruction."*

In response to applicants' argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Shaw teaches an article for personal cleansing which comprises a water insoluble substrate with a cleansing composition (see paragraph [0099] on page 7), which may contain a variety of other components such as are conventionally used in a given product type provided that they do not unacceptably alter the benefits of the invention (see paragraph [0127] on page 8), and examples are zeolites (which read on the heat generating agent of claim 1) and film formers or materials, e.g., copolymer of eicosene and vinyl pyrrolidone (which read on the "fixing agent" of claim 1) (see paragraph [0128] on page 8) and binders like latexes (see paragraph [0135] on page 9). Shaw also teaches that the articles are intended to be wetted with water prior to use (see paragraph [0163] on page 10), therefore, one of ordinary skill in the art would package the articles in suitable containers such as those taught by Telesca. Even though Shaw does not explicitly disclose the limitation "self heating" when contacted with water, Shaw teaches similar articles and components, i.e., zeolites and film-formers and/or binders like latexes, hence, a person of ordinary skill in the art at the time the invention was made would have reasonably expected the article of Shaw to exhibit similar properties because similar article and components have been utilized. In addition, "products of identical composition can not have mutually exclusive properties." A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or

claims are necessarily present. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (fed. Cir. 1990). See MPEP 2112.01 II.

With respect to the obviousness rejection of claims 12-13 based upon Shaw in view of Telesca and further in view of Verdrel-Lahaxe, Applicants argue that Applicants herein incorporate by reference all of the foregoing remarks concerning Shaw, Verdrel-Lahaxe and Telesca.

The responses above apply here as well.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571)272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1761